



Entered on Docket
December 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
THE USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FILED BY BARRY
J. AND PATRICIA GOLDSTEIN AND
CAPITAL MORTGAGE INVESTORS,
INC. FOR LACK OF DOCUMENTATION**

Hearing Date: December 18, 2009
Hearing Time: 1:30 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of the USACM Liquidating Trust to
2 Proofs of Claim filed by Barry J. and Patricia Goldstein and Capital Mortgage Investors,
3 Inc. For Lack of Documentation”, [Docket No. 7753] (the “Objection”); with appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. Claim No. 10725-01167 filed by Barry J. and Patricia Goldstein is
9 disallowed in its entirety for lack of documentation; and
- 10 3. Proof of Claim No. 10725-01163 filed by Capital Mortgage Investors,
11 Inc. is disallowed in its entirety for lack of documentation.

12
13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14
15 **LEWIS AND ROCA LLP**

16 By /s/ John Hinderaker (AZ 018024)
17 Rob Charles
18 John Hinderaker (*pro hac vice*)
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24
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26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ 018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
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